Merchantville, NJ November 13, 2017

A regular meeting of Borough Council was held at 7:30 PM, Monday, November 13, 2017. Mayor Ted Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

#### **ROLL CALL:**

Council Present: Swann, Kidd, Grasso, Sperrazza, McLoone and Perno. Attorney Higgins, Clerk Brouse, CFO Moules were present.

**PRESENTATION-**Connor Loescher

Oath of Office-Keith Tapper as Police Officer

### **PUBLIC**

Kate Grohe-25 E Cedar Avenue-Road work, dirt flying around, concrete work finished, local road traffic only-did not stay. Mayor gave a response.

Patrick Montgomery-22 E Cedar Avenue-Want project completed by Thanksgiving? Mayor says (correct). Concrete replacement Notice to residents.

Burt German-26 E Cedar Avenue-if one driveway gets pulled up? Will mine? Will communicate!

Cindy Hertneck-15 Clifton Avenue-Daffodils, Eagle Scout-1600 daffodils to plant, ready.

### **PUBLIC-None**

### Public hearing on Ordinances for second reading and adoption

Ordinance 17-08 Approve Acquisition and Litigations for 114 South Centre Street-On a motion of Mr. Grasso & second of Mr. Swann council adopted the following Ordinance:

### 17-08

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF MERCHANTVILLE FROM EDILBERTO A. ANDINO AND/OR BAYVIEW LOAN SERVICING LLC, AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough's authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

**WHEREAS**, Edilberto A. Andino ("Andino") and/or Bayview Loan Servicing LLC ("Bayview") is/are the owner(s) of the real property located at 114 North Centre Street, more fully described as Lot 32 in Block 54 on the Official Tax Map of the Borough of Merchantville; and

**WHEREAS,** Merchantville has made a bona fide offer to purchase the above referenced property from Andino and/or Bayview for consideration in the amount of Twenty-six Thousand, Seven Hundred, Fifty (\$26,750.00) Dollars; and

**WHEREAS,** it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Andino and/or Bayview; and

**WHEREAS,** Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Andino and/or Bayview; and

**WHEREAS,** the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

**WHEREAS**, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the real property located at 114 North Centre Street, in the Borough of Merchantville, more fully described as Lot 32 in Block 54 on the Official Tax Map of the Borough of Merchantville from the Edilberto A. Andino and/or Bayview Loan Servicing LLC is hereby approved; and

**AND BE IT FURTHER ORDAINED** that Edward F. Brennan, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville.

**AND BE IT FURTHER ORDAINED** that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

**APPROVAL OF MINUTES**-On a motion of Mr. Sperrazza and second of Mr. Kidd, Council approved the caucus meeting minutes of 9/25/17. On a motion of Mr. Kidd and second of Mr. Grasso (Mr. Perno, Mr. McLoone abstaining), Council approved the regular meeting minutes of 10/9/17.

### **ENGINEER REPORT** Attached

### **CORRESPONDENCE**

### **COUNCIL REPORTS**

**Ms. Swann-**Shade Tree-Roy should attend training in spring. Task force working on, clean up on Saturday, November 18<sup>th</sup>, SJ Awards.

**Mr. Kidd**- Garage application denied, no apps for Planning Board, 11/l28 will meet. Meeting with Mr. Honigfeld to discuss school board. Green Team meeting on Thursday and 3<sup>rd</sup> Thursday moving forward, five people attended the meeting.

**Mr. Grasso**-Thank you for the edible arrangement, Court report almost 80,000 in recovered funds to date. Tappert was administered oath. PSE & G may have postponed work until next year, working on parade and looking for marchers, need volunteers. Car show moving forward, work on calendar of events with Ms. Swann.

**Mr. Sperrazza**-14 calls for fire, 3200 man hours for year, fire on Woodlawn, repair on fire truck, Seven resumes for code enforcement job.

**Mr. McLoone**-PW 5 tons, 100 tons a year, sewer call, Davey is the tree company for PSE&G, winterize town, Snowflakes are up, down one truck (broken shaft) on face book

**Mr. Perno**-three properties on agenda, Community Center plans, November 21<sup>st</sup> at Borough Hall beginning at 5:00 and providing an overview.

### Mayor

Clerk attached

#### **OLD BUSINESS**

DISCUSSION-Trash Collection-meeting Friday/need dumpsters in downtown

DISCUSSION-Cedar Avenue Road Project

DISCUSSION-Police Chief search-completed interview of candidates

DISCUSSION-Gazebo Reconstruction-almost complete

DISCUSSION-Downtown Redevelopment Area-should receive a concept before end of year

**DISCUSSION-Community Center Project** 

### **NEW BUSINESS**

DISCUSSION-Employee Health Benefit Premium Refund
DISCUSSION-Employee reviews-staff (report to one person?)
DISCUSSION-17 E. Park Avenue-Potential Purchase (\$17,000 for land)
DISCUSSION-Meetings for 2018

Resolutions to be read by consent agenda: On a motion of Mr. Grasso and second of Mr. Sperrazza, Council approved the following resolutions by consent agenda:

#### R17-118

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN, STATE OF NEW JERSEY AUTHORIZING AWARD
CONTRACTS WITH VENDORS FOR FURNISHING AND DELIVERING
SODIUM CHLORIDE AND PRE-TREATED LIQUID ENHANCED SODIUM
CHLORIDE, FOR THE BOROUGH OF MERCHANTVILLE UNDER THE CAMDEN
COUNTY COOPERATIVE PRICING SYSTEM ID #B-23/2016-2<sup>nd</sup> YEAR OPTION, ON AN ASNEEDED BASIS

**WHEREAS**, by Resolution 14 adopted on October 20, 2016, the Camden County Board of Chosen Freeholders awarded Bid B-23/2016, Furnishing and delivering sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride, Corrosion Inhabited De-Icing Liquid and Magnesium Chloride Flakes for various locations in Camden County, under the Camden County cooperative pricing system #67 CCCPS, on an as needed basis and authorized award of contract of Atlantic Salt, Inc. for Item No 1, Sodium Chloride at the unit price of \$67.35 per ton and to Chemical Equipment Labs of DE, for item No 2 pretreated liquid enhanced sodium chloride, at the unit price of \$74.19 per ton; and

WHEREAS, said bid provided for a second year option renewal; and

**WHEREAS**, it is the desire of the Borough Council of the Borough of Merchantville to authorize and award the second year option of Bid B-23/2016 contracts, for the items listed herein for the needs of the Borough of Merchantville; and

**WHEREAS**, funding for this purpose for the Borough of Merchantville shall not exceed the maximum line items for Sodium Chloride in the Borough's 2017-18 permanent budget and shall be encumbered prior to incurring the obligation pursuant to NJAC 5:30-5.5(b)(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Merchantville that, contingent upon funding as described herein, the aforementioned Bid B-23/2016, be and is hereby awarded to Atlantic Salt, Inc., 134 Middle Street, Suite 210, Lowell, MA 01852 for bidB-23/2016 furnishing and delivering Sodium Chloride or Chemical Equipment Labs of DE, Inc., 3920-1 Providence Road, Newton Square, PA 19073, for bid B-23/2016; and

**BE IT FURTHER RESOLVED THAT** the proper Borough officials be and are hereby authorized to execute all documents necessary to effect this award.

### R17-120 RESOLUTION AUTHORIZING ADVANCE PAYMENT TO DENISE BROUSE FOR THE 2017 BREAKFAST WITH SANTA EVENT

WHEREAS, N.J.S.A. 40A:5-16.1 permits the governing body of any local unit to authorize payment in advance toward expenses for authorized expenditures for Borough programs; and WHEREAS, Denise Brouse of the Borough of Merchantville will need funds to purchase supplies for Breakfast with Santa scheduled for December 9, 2017; and

**WHEREAS**, the Treasurer has certified that funds are available from the 2017 Current budget, not to exceed \$500.00 to provide advance expense payments; and

**WHEREAS,** the Borough will verify their expenses and any excess cash will be repaid to the Borough along with a detailed bill of items or demand, and the certification or affidavit required by N.J.S.A. 40A:5-16 shall be submitted within 10 days after the completion of the Breakfast with Santa event for which the advance was made.

**NOW, THEREFORE, BE IT RESOLVED** that the treasurer is hereby instructed to make the above said payment to Denise Brouse for Breakfast with Santa expenses.

### R17-121 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING 2016 BUDGET TRANSFERS

**WHEREAS,** there are certain 2017 Budget Appropriations of the Borough of Merchantville with balances insufficient to meet requirements for operating Borough Affairs as indicated on the attached schedule; and

**WHEREAS,** there are 2017 Budget Appropriations with unexpended balances that are not needed for such purposes; and

**WHEREAS,** Revised Statutes 40A:4-59 provides for Transfers to those accounts having insufficient balances:

Operating Budget Description	<b>Account Number</b>	<b>Transfer Out</b>	Transfer In
Solid Waste Disposal	7-01-32-837-251		5,000.00
Gasoline	7-01-31-460-000	5,000.00	
Opt Out Waiver Insurance	7-01-23-733-100		1,800.00
Employee Group Insurance	7-01-23-733-000	1,800.00	
Social Security	7-01-36-845-302		16,500.00
Uniform Construction Code OE	7-01-22-725-290	500.00	
Building & Grds Part Time Salary	7-01-26-772-100	2,000.00	
Court Clerical Part Time Salary	7-01-33-830-103	10,000.00	
Parking Meter Part Time Salary	7-01-25-745-109	4,000.00	

 Sewer Utility Other Expense
 7-07-55-505-501
 3,000.00

 PSA Agreement
 7-07-55-510-501
 3,000.00

 TOTAL
 26,300.00
 26,300.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville that the following transfers are hereby approved as indicated on the above schedule.

### R17-122

### RESOLUTION CERTIFYING A LIEN AGAINST CERTAIN PROPERTIES FOR COSTS INCURRED BY THE BOROUGH OF MERCHANTVILLE IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODE

**WHEREAS,** in accordance with Chapter 3 of the Code of the Borough of Merchantville entitled the "Property Maintenance Code", notice of noncompliance was sent to the below properties,

**WHEREAS,** said property owners did not comply with said notice and the Merchantville Public Works Department was ordered to abate the violations; and

**WHEREAS,** it is the desire of this Governing Body, in accordance with Chapter 60B of the Code of the Borough of Merchantville, to certify said costs incurred by the Merchantville Public Works Department as a lien against the properties; in accordance with Chapter 3 of the Code of the Borough of Merchantville.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the following lien is hereby certified as against the property as noted in accordance with Chapter 3 of the Code of the Borough of Merchantville:

\$500.00

116 Locust St

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward a certified copy of this resolution to the owner(s) of the subject property.

**BE IT FURTHER RESOLVED** that the Tax Collector shall be responsible for collection of the amounts herein certified.

**Resolution 17-119 Award Contract for Natural Gas Supply Service-**On a motion of Mr. Grasso and second of Mr. Perno, Council approve the following resolution:

### 17-119

## RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AUTHORIZING AWARD OF CONTRACT TO SOUTH JERSEY ENERGY COMPANY FOR PURCHASE OF NATURAL GAS SUPPLY

**WHEREAS**, the County of Camden as the Lead Agency for the South Jersey Power Cooperative (SJPC), received and opened publicly advertised bids on October 17, 2017 at 11:30 AM, Prevailing Time, for the SJPC Bid for Supply and Delivery of Natural Gas to Various South Jersey Power Cooperative Locations (Identifier No. Bid A-29/2017); and

**WHEREAS**, bids were received from the vendors set forth on the bid award sheet attached to the original hereof; and

**WHEREAS**, South Jersey Energy Company is the lowest responsible bidder with a bid attached per dekatherm for PSE&G accounts; and

**WHEREAS**, by resolution adopted September 13, 2016, the Camden County Board of Chosen Freeholders awarded a contract for Camden County's needs under the aforementioned bid to South Jersey Energy Company as the lowest responsible bidder for PSE&G accounts and declared that South Jersey Energy Company was eligible under the aforementioned Bid to contract for natural gas service

with all Participating Government Entities for a term of twelve months commencing November 30, 2017; and

**WHEREAS**, funding for this contract in 2017 shall be encumbered at the aforementioned rate to the limit of the budget appropriation for this purpose in accordance with N.J.A.C. 5:30-5.5(b)(2) and shall further be contingent upon the availability and appropriation of sufficient funds for this purpose in the temporary and/or permanent 2018 budgets; now, therefore,

**BE IT RESOLVED** by the Borough Council of the Borough of Merchantville that the proper officials be and are hereby authorized to execute all documents necessary to effect a contract between the Borough of Merchantville and South Jersey Energy Company, 1317 Route 73 North, Suite 206, Mt. Laurel, New Jersey 08054 for the purchase of natural gas service pursuant to the 2017 South Jersey Power Cooperative Bid for Supply and Delivery of Natural Gas to Various South Jersey Power Cooperative Locations for a term of twelve months.

Ordinance for introduction on first reading. This Ordinance will be considered for adoption at the public hearing to be held during the November 27<sup>th</sup> council meeting.

On a motion of Mr. Perno and second of Mr. Kidd, Council introduced the following Ordinance.

### 17-11

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF MERCHANTVILLE FROM ALEXANDER KAGANOVICK, ELENA KAGANOVICK, AND/OR SETERUS, INC., AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough's authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

**WHEREAS**, the Alexander Kaganovick, Elena Kaganovick and/or Seterus, Inc. is/are the owner(s) of real property located at 507 West Maple Avenue, more fully described as Lot 11 in Block 5 on the Official Tax Map of the Borough of Merchantville; and

**WHEREAS**, Merchantville has made a determination that no compensation that it will cost far more to rehabilitate the Abandoned Property than the Borough can recoup from the sale of the rehabilitated Abandoned Property, the Borough takes the position that, pursuant to the rebuttable presumption mandated by New Jersey's Abandoned Property Rehabilitation Act, N.J.S.A. 55:19-102, the fair market value of this Abandoned Property is zero and therefore no compensation is due; and

**WHEREAS,** it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Alexander Kaganovick, Elena Kaganovick and/or Seterus, Inc.; and

**WHEREAS,** Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Alexander Kaganovick, Elena Kaganovick and/or Seterus, Inc.; and

**WHEREAS,** the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

**WHEREAS**, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the real property located at 507 West Maple Avenue, in the Borough of Merchantville, more fully described as Lot 11 in Block 5 on the Official Tax Map of the Borough of Merchantville from the Alexander Kaganovick, Elena Kaganovick, and/or Seterus Inc., is hereby approved; and

**AND BE IT FURTHER ORDAINED** that Edward F. Brennan, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville.

**AND BE IT FURTHER ORDAINED** that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

On a motion of Mr. Perno and second of Mr. Grasso, Council introduced the following Ordinance.

### 17-12

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF MERCHANTVILLE FROM JAMES G. MARTIN AND/OR MTGLQ INVESTORS, L.P., AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough's authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

**WHEREAS**, James G. Martin ("Martin") and/or MTGLQ Investors, L.P. ("MTGLQ") is/are the owner of real property located at 225 Woodlawn Avenue, more fully described as Lot 2 in Block 40 on the Official Tax Map of the Borough of Merchantville; and

**WHEREAS**, Merchantville has made a bona fide offer to purchase the above referenced property from Martin and/or MTGLQ for consideration in the amount of Twenty-five Thousand, Six Hundred, Twenty-five (\$25,625.00) Dollars; and

**WHEREAS,** it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Martin and/or MTGLO; and

**WHEREAS,** Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Martin and/or MTGLQ; and

**WHEREAS,** the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

**WHEREAS**, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1,

et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the real property located at 225 Woodlawn Avenue, in the Borough of Merchantville, more fully described as Lot 2 in Block 40 on the Official Tax Map of the Borough of Merchantville from the James G. Martin and/or MTGLQ Investors, L.P. is hereby approved; and

**AND BE IT FURTHER ORDAINED** that Edward F. Brennan, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville.

**AND BE IT FURTHER ORDAINED** that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

On a motion of Mr. Perno and second of Mr. Grasso, Council introduced the following Ordinance.

### **17-13**

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF MERCHANTVILLE FROM RISE A. CARTER-KRUSHINSKI, FRANK A. KRUSHINSKI, AND/OR BANK OF AMERICA, N.A., AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough's authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

**WHEREAS**, the Rise A. Carter-Krushinski ("Carter-Krushinski"), Frank A. Krushinski ("Krushinski") and/or Bank of America, N.A. ("BOA") is/are the owner(s) of real property located at 108 East Walnut Avenue, more fully described as Lot 2 in Block 59 on the Official Tax Map of the Borough of Merchantville; and

**WHEREAS**, Merchantville has made a determination that no compensation that it will cost far more to rehabilitate the Abandoned Property than the Borough can recoup from the sale of the rehabilitated Abandoned Property, the Borough takes the position that, pursuant to the rebuttable presumption mandated by New Jersey's Abandoned Property Rehabilitation Act, N.J.S.A. 55:19-102, the fair market value of this Abandoned Property is zero and therefore no compensation is due; and

**WHEREAS,** it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Carter-Krushinski, Krushinski, and/or BOA; and

**WHEREAS,** Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Carter-Krushinski, Krushinski, and/or BOA; and

**WHEREAS,** the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

**WHEREAS**, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the

real property located at 108 East Walnut Avenue, in the Borough of Merchantville, more fully described as Lot 2 in Block 59 on the Official Tax Map of the Borough of Merchantville from the Rise A. Carter-Krushinski, Frank A. Krushinski, and/or Bank of America, N.A., is hereby approved; and

**AND BE IT FURTHER ORDAINED** that Edward F. Brennan, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville.

**AND BE IT FURTHER ORDAINED** that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

**Payment of Bills-**On a motion of Mr. Perno and second of Mr. Kidd, council approved the payment of bills.

### R17-123 RESOLUTION

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

CURRENT FUND		REVENUE	BUDGET
CHECKS CURRENT FUND	2016 BUDGET		\$ 38.21
	2017 BUDGET	9241.17 \$	105,084.60
	GRANTS		\$ 8,320.09
	PFRS		
	PERS		
	DEBT SERVICE		
	BOARD OF EDUCATION*		\$ 1,416,931.00
	CAMDEN COUNTY		\$ 583,455.05
WIRE TRANSFERS PAYROLL	10/13/17-11/10/17		\$ 192,584.22
WIRES / MANUAL CHECKS			\$ 53,070.18
	TOTAL CURRENT	\$ 9,241.17	\$ 2,359,483.35
SEWER UTILITY			
CHECKS SEWER FUND	2016 BUDGET		
	2017 BUDGET	\$	2,500.00
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	10/13/17-11/10/17		\$ 6,622.46

WIRE NJEIT LOAN

WIRES /MANUAL CHECKS

	TOTAL SEWER	\$	-	\$	9,122.4
GENERAL CAPITAL FUND					
CHECK CAPITAL FUND			\$		23,392.60
MANUAL CHECK					
WIRE TRANSFERS PAYROLL	10/13/17-11/10/17				
	TOTAL CAPITAL	\$	-	\$	23,392.6
TRUST FUND					
CHECK TRUST OTHER FUND				\$	12,127.3
WIRE TRANSFERS PAYROLL	10/13/17-11/10/17		\$		16,594.00
WIRES / MANUAL CHECKS				\$	2,073.5
	TOTAL TRUST	\$	-	\$	30,794.8
SEWER CAPITAL FUND					
CHECK SEWER CAPITAL					
MANUAL CHECKS					
WIRE TRANSFERS PAYROLL	10/13/17-11/10/17				
	TOTAL SEWER CAPITAL	\$	-	\$	
ANIMAL TRUST FUND					
ANIMAL TRUST CHECK			\$		1.20
	TOTAL ANIMAL TRUST	\$	-	\$	1.20
TOTAL BI	LL LIST & MANUAL CHECKS/WIRE	\$	9,241.17	\$	2,422,794.4
		GRAND T	TOTAL \$	2	,432,035.63

**ANNOUNCEMENTS-**Sent flowers to Mr. Grasso, Dec 1 – Dec 9, Parade/Tree, Breakfast with Santa Closed 23 & 24 for Thanksgiving, Three Eagle Scout projects are being done

**PRIVATE SESSION-R17-24 Contract Negotiations-**On a motion of Mr. Grasso & second OF Mr. Sperrazza, council adjourned to private session:

# R17-124 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING A PRIVATE SESSION OF COUNCIL

the exclusion of WHER NOW, Merchantville,	of the publi REAS, this p THEREFO County of (	c from a public boo <b>RE, BE I</b> Camden, shall be	ne Oper meeting dy is of <b>T RES</b> ( State o exclude	n Pugin the <b>DL\</b> f No	ublic Meetings certain circun opinion that s <b>/ED</b> by the Ma ew Jersey, as	Act, Chapter 2 nstances; and such circumstan ayor and Counc follows:	nd moved its adoption: 31, P.L. 1975 permits nces presently exist; il of the Borough of upon the hereinafter
2.	•	_		sub	iect matter to	be discussed is	s as follows:
	90				of Contract N		
3.	It is anticip	oated at t				_	matter shall be made
	public.						
			II take e	effe	ct immediately		the fellouder water
	Seconded b	es	N		and adopted Absta	_	the following vote:
Mrs. Swann		-s )	(	)	( )		)
Mr. Kidd	(	)	(	)	(	) (	)
Mr. Grasso	(	)	(	í	(	) (	)
Mr.	(	)	)	)	(	) (	)
Sperrazza	•	•		•	•		•
Mr. McLoon	e (	)	(	)	( )	) (	)
Mr. Perno	(	)	(	)	( )	) (	)
<b>ADJOURNMEN</b> at 10:05 P.M.	<b>IT</b> : On the n	notion of N	Mr. Gras	so a			meeting was adjourned
					Denise	Brouse, Borough	ı Clerk